

REMARKS

In this Amendment, Applicant has cancelled Claims 1 – 9, without prejudice or disclaimer, has amended Claims 22, 29 and 37 and has added new Claims 43 – 49. Claims 22, 29 and 37 have been amended to further specify the present invention and overcome the rejections thereto. The newly added Claims 44 – 45 have supports in the specification (page 7, lines 24 – 30, page 8, lines 1 – 10 and Examples). It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 8 and 37 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses the rejection.

It is respectfully submitted that in view of presently claimed invention, the rejection has been overcome. In particular, Claim 8 has been cancelled. Claim 37 has been amended to use the expression “consisting essentially of.” It more clearly describes the subject matter of Applicant’s invention.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:

Claims 22 – 30 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant traverses the rejection.

It is respectfully submitted that in view of presently claimed invention, the rejection has been overcome. In particular, Claim 22 has been amended to be limited to the method for treating or preventing premenstrual or menstrual disorders, skin disorders, and bone or calcium disorders, including osteoporosis, which have adequate support from the specification (page 7, lines 24 – 30, page 8, lines 1 – 10 and Examples). In addition, Claim 29 has been amended to use the expression “consisting essentially of.” It more clearly describes the subject matter of Applicant’s invention. Dependant Claims 23 – 30 also overcome the rejection by virtue of their dependency on Claim 22.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1, 4, 5, 8, 9, 22, 25, 26, 29 and 30 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by the Schmidl et al (US 5,719,134), hereinafter Schmidl. Applicant traverses the rejection.

At first, Claims 1, 4, 5, 8 and 9 has been cancelled. The rejection therefore is moot. Secondly, Claim 22 has been amended to be limited to the method for treating or preventing premenstrual or menstrual disorders, skin disorders, and bone or calcium disorders, including osteoporosis. It is respectfully submitted that Schmid does not the composition and method for treating or preventing the diseases and disorders that the currently amended Claim 22 covers. Therefore, Claim 22 is distinguishable from Schmid. In addition, Claim 29 has been amended to use the expression “consisting essentially of,” which defines that the EFA and vitamin K are the essential active ingredients used in the claimed methods. Schmidl discloses a nutritional dietary composition for adolescents including a carbohydrate component of 50 – 60%, a lipid of 20 – 35% and an amino acid component of 10 – 20%. The amounts of EFA and Vitamin K as disclosed in Schmidl are insignificant comparing with other components. Therefore, EFA and Vitamin K are not essential active ingredients in Schmidl, which is

contrary to the requirement of the Claim 29. Dependant Claims 25, 26 and 30 are also distinguished from Schmidl by virtue of their dependency on Claim 22.

Therefore, the rejection under 35 U.S.C. § 102(b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 2, 3, 6, 7, 23, 24, 27 and 28 have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Schmidl in view of US 4,977,187 ('187) ('187).

Applicant traverses the rejection. The ground for rejection is based on a combination of references with no motivation or suggestion to combine these references. To combine references (A) and (B) properly to reach the conclusion that the subject matter of a patent would have been obvious, case law requires that there must be some teaching, suggestion, or inference in either reference (A) or (B), or both, or knowledge generally available to one of ordinary skill in the relevant art that would lead one skilled in the art to combine the relevant teachings of references (A) and (B). Consideration must be given to teachings in the references that would have led one skilled in the art away from the claimed invention. A claim cannot properly be used as a blue print for extracting individual teachings from references. See *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985).

More specifically, Claims 2, 3, 6 and 7 have been cancelled. Therefore, the rejection is moot. In addition, due to the dependency to Claim 22, Claims 23, 24, 27 and 28 have been limited to the method for treating or preventing premenstrual or menstrual disorders, skin disorders, and bone or calcium disorders, including osteoporosis. Applicant respectfully submits that these diseases and disorders are not covered by either Schmidl or '187. The nutritional composition in Schmidl is for diseases or conditions such as inflammatory bowel disease, intractable diarrhea, lactose intolerance, short bowel syndrome, cystic fibrosis, cow's milk protein enteropathy or sensitivity, pre or post

surgery, AIDS, malabsorption syndrome, gastroenteritis, GI fistula, and pancreatic disorder (col. 1, lines 29 – 35). '187 specifically directs to treating schizophrenia and associated tardive dyskinesia. Therefore, neither Schmidl nor '187 provides suggestion or incentive to combine these two references together to achieve the present invention. Even if combined, Schmidl and '187 do not teach or suggest the present invention.

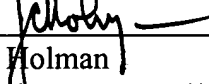
Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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